

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

EDWARD THARP,	:	
	:	
Plaintiff,	:	Case No. 3:07cv00466
	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

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**DECISION AND ENTRY**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #13), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on February 5, 2009 (Doc. #13) is **ADOPTED** in full;
2. The Commissioner's non-disability determination is vacated;
3. No finding is made regarding whether Plaintiff Edward Tharp is under a "disability" within the meaning of the Social Security Act;
4. Pursuant to sentence four of 42 U.S.C. §405(g), this case is remanded to the

Commissioner of the Social Security Administration and an Administrative Law Judge for further consideration consistent with this Decision and Entry and with the Report and Recommendations (Doc. #13); and

5. This case is terminated on the docket of this Court.

February 24, 2009

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge